

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 26, 2009

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Bruce King
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes, Planning & Zoning; Nathan Sunderland, *Standard Journal*; Jan Gallup; and Dwayne Seiter. Councilmember Harris was excused.

PUBLIC HEARING (Revisions to Title 1): The mayor welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing. Councilmember Bruce King gave a short presentation on revisions to title 1. He said Attorney Forsberg has reviewed the revision and made some suggestions. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of approving the revisions to Title 1. No one testified.

The mayor then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those against the proposal to testify. Comments were made as follows:

JAN GALLUP, 309 South Austin. She commended Bruce for the work he put into title 1. One concern is that she feels the revision is trying to combine land use code with regular city code, which she believes is not beneficial to the city. She cited terms such as "building permit" and "development agreement" that she feels should be in title 9, not title 1. She believes "interested person" in the definitions should be changed to "affected person," which she feels better fits the definition. She has a concern that 1-6-1B states that proposed revisions shall be submitted to the P&Z for comment. Idaho Code 67-6508 specifically gives commissioners the responsibility to review and update the comprehensive plan. Section 1-6-1C should be under the P&Z section instead of under this section. Under Section 1-6-2A(4) she appreciates the fact that "morals" has been added, but the term needs to be defined if we want it as part of our ordinances. Jan said she is not opposed to the whole ordinance. She suggested the public hearing section not be under title 1. No public hearing is needed for anything other than land use decisions, she said, so the council should put it in title 9 to mirror state statute. In Section 1-10-3B, "written evidence, representation" is good. Section 1-10-4E may intimidate people presenting testimony. Section 1-10-6 should be part of an informational pamphlet rather than in the code. She felt everything else was well done.

6:50 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes and Jesse Brown, Planning & Zoning; Nathan Sunderland, *Standard Journal*; Jan Gallup; Dwayne Seiter; Todd Tuckett; Jason Adams; and Brandon Harris. Councilmember Harris was excused.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on February 12, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept said minutes; motion carried.

PLANNING & ZONING REPORT: P&Z Chairman Brian Hawkes addressed the council.

Land Use Map: Brian reported that the land use map is back in the council's court. P&Z discussed showing open space, designating the triangular parcel south of Dalling Drive as agriculture, and omitting the quasi-public area east of the high school. He was the only commissioner opposed to omitting the quasi-public area east of the high school.

Title 10, Chapter 3: Brian reported that the commission is working on title 10, plat procedure. Commissioners are adding a chapter 3, development agreement and restrictive covenants, which will go to public hearing on March 19 (later in the meeting this public hearing was canceled).

City Zoning Map: P&Z will move forward on it.

ATTORNEY'S RECOMMENDATION ON ORDINANCES NO. 151 AND NO. 179 AND RESOLUTION 97-3 "PEDDLER, SOLICITOR, TRANSIENT AND ITINERANT

MERCHANT" LICENSES: Sharon read the memo from Attorney Forsberg dated February 12, 2009. He said the city council should either prohibit door-to-door sales as Ordinance #151 does or regulate them as Ordinance #179, as amended, does. You can't both prohibit the activity and license and regulate it. Discussion was had. Councilmember King said he would like to visit with Attorney Forsberg. No action was taken pending obtaining further information.

After discussion, it was the consensus of the council to have Attorney Forsberg review and make a recommendation on any ordinance changes before they are set for public hearing. Brian Hawkes asked the city clerk not to set the public hearing on title 10, chapter 3, until Mr. Forsberg has had a chance to review it.

TODD M. TUCKETT, P.E. (KELLER ASSOCIATES) – 1000 E. MADISON BRIDGE

7TH WEST: Mr. Tuckett addressed the council and presented a handout showing the 1000 E. Bridge Alignment and the costs of the project, which is a federal-aid job. Madison County paid \$10,000 when it signed the original agreement, which goes toward the required 7 percent match. Engineering services to date are \$77,600. Madison County has paid \$15,700. Matching from Sugar City would be \$10,700, to be paid within a year. Then the city's match for construction is \$62,800, for a total match of \$73,500. The mayor expressed concern about the match. Mr. Tuckett said that LHTAC grants are for 2011, but the project will be done in 2010. Total cost of the project is \$1,078,000. Mr. Tuckett said Keller Associates has received a "cease building" from Madison County until Sugar City makes a decision.

Discussion on match money: The mayor is concerned about match money because it

doesn't fit in the city's budget. He said he visited with Dwayne Seiter of Toscano, Terry Mortensen of Calaway Ranch, and a lady from Jackson, who is one of the potential owners of the Calaway property and together they came up with three proposals: (1) go to the Madison County commissioners and ask them to finance it and then bill the respective developers as the project is developed; (2) invite Toscano to finance it and to collect costs as the properties develop; or (3) opt for the city to pay the full bill. The mayor said Sugar City could come up with \$10,700 in the interim to get the engineering going, but the city would need to be reimbursed.

First Proposal – Meet with Madison County Commissioners: The mayor said he would like to get on the county commissioners' regular agenda and make a proposal to them, which he will try to arrange.

DOG ORDINANCE UPDATE: Councilmember King made the necessary changes to the dog ordinance, with exception of one concern raised by P&Z on kennels. He will speak with P&Z on that, modify the text if needed and then send the ordinance to Attorney Forsberg for his review.

INTERLOCAL AGREEMENT BETWEEN MADISON COUNTY, REXBURG, SUGAR CITY, TETON AND NEWDALE ON IMPACT AREAS: Discussion was had.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Orme to authorize the mayor to sign the Area of City Impact Governing Ordinance on behalf of the city; motion carried.

DISCUSSION OF INPUT FROM PUBLIC HEARING AND FROM ATTORNEY ON TITLE 1: Councilmember King said he appreciated Jan Gallup's careful review of the proposed revision and feels she provided helpful insight on how to improve it. Also, initial input received from Attorney Forsberg is helpful. Bruce proposed to sit down with the attorney's markup and to address Jan's input at the same time and then come back to the council at a later date with a recommendation.

MOTION: It was moved by Councilmember King and seconded by Councilmember Merrill to reject the proposed revision to title 1 and to address the input received during the public hearing and from the city attorney; Councilmember Orme voted nay; motion carried.

DISCUSSION OF COMPREHENSIVE PLAN TRANSPORTATION AND LAND USE MAPS:

Proposed Land Use Map: Councilmember King presented a proposed land use map. Discussion was had. Councilmember Orme recused himself from the discussion. Bruce proposed to take this map to P&Z to see if they are comfortable with it. The mayor assigned him to follow through on this proposal.

Proposed Transportation Map: Councilmember King presented a proposed transportation map, discussing how the federal functional classification of public roads is incorporated into the new map. Under this classification system, which is used nationwide, Idaho 33 is a rural minor arterial west of Hibbard Road in Rexburg and northeast of 7th West near Sugar City and an urban principal arterial in between. He said officials of the Idaho Transportation Department in Boise approved this map as the proper classification of public roads in the Sugar City vicinity. Bruce will present the proposed land use map and transportation map to P&Z next week. If commissioners can support them, he will bring the maps back for council approval. In connection with adding these maps to the comprehensive plan, he suggests the council modify the text of the

plan to reflect the proper federal road classification definitions and to hold one public hearing on the maps and text changes together. The mayor assigned Bruce to follow through on this sequence.

DEPARTMENT REPORTS:

COUNCILMEMBER ORME: Brad presented dates for city activities this year as follows: Easter Egg Hunt, April 11; Arbor Day Celebration, April 24; and Community Breakfast, July 25.

COUNCILMEMBER KING: A discussion was had that two city cleanups per year has worked well. Spring cleanup in 2009 will start May 11, with fall cleanup to start October 12.

COUNCILMEMBER MERRILL: Lamont said he discussed inspecting the inside of city water tanks with representatives of a company in Colorado. It appears that the city has either a crack in its main water tank or a backflow problem. He will talk with Public Works Director Zane Baler about it. The mayor said we have a bid of \$2,600 for a diver to perform the inspection. In view of the water study, he feels this is a good year to complete it. Lamont said our city engineer believes we have lost up to 66,000 gallons of water through seepage down the well. He feels something should be done. He was assigned to follow up on the matter.

MAYOR'S BUSINESS:

Report on transportation study: Brandon Harris of Forsgren Associates addressed the council. He said the next step is to create a Transportation Advisory Committee to represent the public. This committee would include one or two members of the city council, P&Z, school, and police to do traffic counts. The committee is to be the voice of the people. He presented a handout describing committee organization, roles and responsibilities. When the snow melts, Forsgren can collect data on traffic flow and road conditions. The mayor said he would ask Councilmember Harris to chair the committee. The mayor suggested Dusty Cureton of Madison County; Matt Grover of the school district, Joseph West or one of his people of the pathway committee, Zane Baler, and Steve Hawkes and Joy Ball of P&Z to be on the committee.

Stimulus Funds: Brandon Harris reported that Forsgren Associates applied for \$375,000 for chip seal and overlays in Sugar City. On Tuesday, state officials in Boise said that Idaho was getting around \$12 million for roads, but the money is not going toward local roads, but only toward major collectors. Sugar City has a low unemployment rate, which will make getting stimulus funds harder. The mayor said there is a governor's committee to work on a plan for distributing stimulus funds. The state is apparently going through established agencies such as the Local Highway Technical Assistance Council (LHTAC) and the Idaho Transportation Department (ITD). Mr. Harris said Forsgren might send a letter saying Sugar City is small but still in need of money. He will send the mayor a proposed letter for Sugar City's potential use.

Remodeling project/back city hall: The entire project is expected to cost \$63,000. This plan would provide city hall with three additional offices, a small conference room, central heating and air conditioning, vault room and a floor between the two buildings. The mayor said the first phase of the project, which involves installing a concrete floor in the area between the shop and the city offices and constructing a fireproof vault room in the southwest corner of the existing city office building, must be done first. The mayor hopes we can obtain some grant money to complete the project. Councilmember Merrill has reviewed the project and feels we need to proceed with it on an incremental basis.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember King to authorize the expenditure of \$8,223.65 for the vault and floor in the area

between the two buildings and, in the ensuing time, to pursue grant money for the entire project; Councilmember Orme voted nay; motion carried.

The meeting adjourned at 9:20 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk